OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF JANUARY 11, 2013

(Published January 19, 2013, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

January 11, 2013 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Tuthill, Quincy, Glidden, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, President Johnson.

Absent – Council Members Colvin Roy, Goodman.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

Lilligren moved acceptance of the minutes of the regular meetings of December 7 and 14, 2012 and the adjourned session of December 12, 2012. Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

Lilligren moved referral of petitions, communications, and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

PETITIONS AND COMMUNICATIONS

AUDIT:

INTERNAL AUDIT (276229)

Risk Assessment & Two Year Internal Audit Plan: 2013-2014.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276230)

City Place Lofts (730 Hennepin Ave): Final approval to issue bonds for housing development.

2012 Emergency Solutions Grant funding recommendations.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276231)

Minnesota Housing Finance Agency (MHFA): Acceptance of MHFA Single Family Fall 2012 Community Revitalization Funds (CRV), approve contract with Greater Metropolitan Housing Corp & approval of Rehab Support Program; Acceptance of MHFA CRV funds, approve contract with Greater Metropolitan Housing Corp & approval of a loan program; Acceptance of MHFA CRV funds for Green Homes North 2013.

Metropolitan Council Livable Communities Local Housing Incentive Account Grants: Acceptance of awards on behalf of Greenway Heights Townhomes & West Broadway Curve projects.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

CIVIL RIGHTS (276232)

Minneapolis Commission on Civil Rights: Appointments/reappointments of Carina Aleckson, Michael Harralson, Arlene Santiago, Kristin White, Gerald Strauss, Maria Khan, Lonnie Nichols & John Oberreuter.

HEALTH AND FAMILY SUPPORT (276233)

Youth Violence Prevention Executive Committee: Appointments/reappointments of Titilayo Bediako, Henry Crosby, Jose Gonzalez, Janee Harteau, Linda Higgins, Barbara McMorris, Khalid Mohamed, Darrell Young, Shane Zahn, Dale Blyth, Diance Dawkins, Eloisa Echavez, Sherenia Gibbs.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

REGULATORY SERVICES (276234)

Minneapolis Animal Care & Control: Acceptance of in-kind donations.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

LICENSES AND CONSUMER SERVICES (276235)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (276236)

400 Sound Bar, 400 3rd Ave N: Approve Business License Operating Conditions relating to On-Sale Liquor Class A with Sunday Sales License.

Barrio, 925 Nicollet Ave: Approve License Settlement Conference recommendations relating to Mobile Food Vehicle Vendor License.

Crosstown Qwik N Serve BP, 6004 Penn Ave S: Approve License Settlement Conference recommendations relating to Off-Sale Beer License.

North Loop Wine & Spirits, 218 Washington Ave N: Approve License Settlement Conference recommendations relating to Off-Sale Liquor License.

Easy Way Food, Inc., 2820 Johnson St NE, Approve License Settlement Conference recommendations relating to Off-Sale Beer License.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (276237)

Van White Memorial Boulevard Overpass Agreement with Burlington Northern Santa Fe Railroad: Agreement extension.

Ready Mix Concrete: Increase contract with Cemstone Products Company.

Bike Walk Ambassador Program: Mn/DOT agreement amendment.

Research Services: Agreement with University of Minnesota.

Sidewalk Construction Assessment: Cancellation at 5620 37th Ave S.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (276238)

Legal Settlements: Authorize settlement of Antoinette Peterson v. City of Minneapolis, and Wayne Darren Newton v. Officer Richard Walker.

Establishment of Legal Services Panel: Approve City Attorney's recommendation for placing attorneys and law firms on the City's Legal Services Panel and authorize associated agreements.

FINANCE AND PROPERTY SERVICES DEPARTMENT (276239)

Hennepin County Contract Renewal: Authorize new three-year agreement with Hennepin County's Leasing and Land Management Division for professional lease management services.

Ebert Inc. Contract Amendment: Authorize Amendment No. 1 to Contract C-35791 for the EOTF Apparatus Bay Addition Project to increase the contract amount by \$19,504.95.

ZONING AND PLANNING:

BOARD OF ADJUSTMENT (276240)

West Broadway Curve Project (1920 - 2022 W Broadway Ave): Appeal Withdrawn.

ZONING AND PLANNING (See Rep):

COORDINATOR (276241)

Appointments to the Minneapolis Arts Commission: Approve Council appointments to two year terms running 1/11/2013 to 12/31/2014 of: Jennifer Arave, Becky Franklin, Calvin Keasling, Melinda Ludwiczak, Sara Weiner, Joanna Kosalko, and Noel Raymond.

PLANNING COMMISSION/DEPARTMENT (276242)

Rezonings:

The Malt Shop (809 W 50th St): From R1 to the C1 Neighborhood Commercial District. Alioune Thiam (3605 4th Ave S): From R1A and R2B to the R3 Multiple Family District. The 155 (312 Central Ave SE): From C2 to the C3A Community Activity Center District. CPM Development (315 27th Ave SE): Deny petition.

NEW BUSINESS (See Rep):

ATTORNEY (276242.1)

Regulatory Services Reorganization: Approve ordinance amendments to reflect reorganization.

FILED:

CHARTER COMMISSION (276243)

Plain Language Charter Revision: a) Draft 12(E2) & Draft 12(E2) redlined; and b) Draft 12(F) & Draft 12(F) redlined.

Charter Commission Annual Report: 2012.

The following reports were signed by Mayor Rybak on January 15, 2013, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev – Your Committee, having under consideration the issuance of revenue bonds for the City Place Lofts project at 730 Hennepin Ave, now recommends passage of the accompanying resolution giving final approval to the issuance of up to \$11 Million of Tax-Exempt Multifamily Housing Revenue Entitlement Bonds for said project, and that the proper

City officers be authorized to execute the necessary funding agreements with City Place Housing Limited Partnership.

Adopted.

Absent – Colvin Roy, Goodman.

Resolution 2013R-001, giving final approval to the issuance of Minnesota Multifamily Housing Revenue Draw Down Bonds for the City Place Lofts Project, 730 Hennepin Ave, Series 2013 in one or more series; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-001 By Goodman

Giving final approval to the issuance of Minnesota Multifamily Housing Revenue Draw Down Bonds (City Place Lofts Project) Series 2013 in one or more series; authorizing the issuance thereof pursuant to Minnesota Statutes, Chapter 462C.

Resolved by The City Council of The City of Minneapolis:

Section 1. Definitions.

1.01. In this Resolution the following terms have the following respective meanings unless the context hereof or use herein clearly requires otherwise:

"Act" means Minnesota Statutes, Chapter 462C, as amended;

"Agreement" means the Loan Agreement to be entered into among the City and the Borrower relating to the Bonds;

"Assignment" means the Assignment of Mortgage from the City to the Holder relating to the Bonds;

"Bonds" means the Multifamily Housing Revenue Draw Down Bonds (City Place Lofts Project) Series 2013, to be issued in one or more series by the City pursuant to this resolution in the principal amount of up to \$11,000,000;

"Bond Documents" means the Agreement, the Regulatory Agreement, the Pledge Agreement, the Assignment and the Bonds;

"Borrower" means City Place Housing Limited Partnership, a Minnesota limited partnership, its successors and assigns;

"<u>Holder</u>" means JP Morgan Chase Bank, N.A., or an affiliate thereof, as initial holder of the Bonds, and its successors and assigns;

"<u>Pledge Agreement</u>" means the Pledge Agreement to be entered into among the City and the Holder relating to the Agreement and the Bonds;

"Project" means the multifamily housing development to be financed with the proceeds of the Bonds, as further defined in the Agreement;

"Regulatory Agreement" means the Regulatory Agreement to be entered into among the City, the Holder and the Borrower relating to the Project;

"Resolution" means this resolution of the City.

Section 2. Findings.

- 2.01. It is hereby found and declared that:
- (a) based upon representations made to the City by representatives of the Borrower as to the nature of the Project as described in the Agreement, the Project constitutes a project authorized by the Act;
- (b) the purpose of the Project is and the effect thereof is to promote the provision of decent, sanitary and safe housing accommodations for low and moderate income persons;
- (c) the financing of the Project, the issuance and sale of the Bonds, the execution and delivery of the Bond Documents and the performance of all covenants and agreements of the City contained in the Bond Documents and of all other acts and things required under the charter of the City and the Constitution and laws of the State of Minnesota to make the Bond Documents valid and binding obligations of the City in accordance with their terms are authorized by the Act;
- (d) it is desirable that the Bonds be issued by the City upon the terms set forth herein and that the City pledge its interest in the Agreement and grant a security interest therein to the Holder as security for the payment of the principal of, premium, if any, and interest on the Bonds;
- (e) the loan payments contained in the Agreement are fixed and are required to be revised from time to time as necessary, so as to produce income and revenue sufficient to provide for prompt payment of the principal of, premium, if any, and interest on the Bonds when due, and the Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but not limited to, adequate insurance thereon and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Agreement;
- (f) under the provisions of the Act, the Bonds are not to be payable from nor charged upon any funds of the City other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no Holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon nor to enforce payment thereof against any property of the City; the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project:
- (g) the execution and delivery of the Bond Documents shall not conflict with or constitute, on the part of the City, a breach of or a default under any existing agreement, indenture, mortgage,

lease or other instrument to which the City is subject or is a party or by which it is bound; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bond Documents by reason of the existence of any facts contrary to this finding;

- (h) no litigation is pending or, to the best knowledge of the members of this City Council, threatened against the City questioning the organization of the City or the right of any officer of the City to hold his or her office or in any manner questioning the right and power of the City to execute and deliver the Bonds or otherwise questioning the validity of the Bonds or the execution, delivery or validity of the Bond Documents or questioning the pledge of revenues to payment of the Bonds or the right of the City to loan the proceeds of the Bonds to the Borrower;
- (i) all acts and things required under the Constitution and the laws of the State of Minnesota to make the Bond Documents the valid and binding obligations of the City in accordance with their terms shall have been done upon adoption of this Resolution and execution of the Documents; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bond Documents by reason of the existence of any facts contrary to this finding; and
- (j) the City is duly organized and existing under the Constitution and the laws of the State of Minnesota and is authorized to issue the Bonds in accordance with the Act.

Section 3. Authorization and Sale.

- 3.01. <u>Authorization</u>. The City is authorized by the Act to issue revenue bonds and loan the proceeds thereof to finance the acquisition, construction and installation of facilities constituting a "multifamily housing development" as defined in the Act, and to make all contracts, execute all instruments and do all things necessary or convenient in the exercise of such authority.
- 3.02. <u>Approval of Documents</u>. Pursuant to the foregoing, there have been prepared copies of the following documents, all of which are now or shall be placed on file in the office of the Minneapolis Community Planning and Economic Development Department:
 - (a) the Agreement;
 - (b) the Pledge Agreement;
 - (c) the Bonds;
 - (d) the Regulatory Agreement; and
 - (e) the Assignment.

The forms of the documents listed above are approved, with such variations, insertions and additions as are deemed appropriate by the parties and approved by the City.

Section 4. Authorizations.

4.01. Upon the completion of the Bond Documents approved in Section 3.02 hereof and the execution thereof by the other parties thereto, the Finance Officer (or Assistant Finance Officer) shall execute the same on behalf of the City, and the foregoing person and other officers of the City shall execute such other certifications, documents or instruments as bond counsel shall require, subject to the approval of the City, and all certifications, recitals and

representations therein shall constitute the certificates, recitals and representations of the City. Execution of any instrument or document by one or more appropriate officers of the City shall constitute and shall be deemed the conclusive evidence of the approval and authorization by the City and the City Council of the instrument or document so executed.

Section 5. The Bonds.

- 5.01. Form and Authorized Amount. The Bonds shall be issued substantially in the form described above with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The terms of the Bonds are set forth therein, and such terms, including, but not limited to, provisions as to interest rate, dates and amount of payment of principal and interest and prepayment privileges, are incorporated by reference herein. The initial interest rate on the Bonds shall not exceed an annual rate of 5.00%, and the Bonds are expected to have a final maturity date within five years of the date of issuance.
- 5.02. <u>Execution</u>. The Bonds shall be executed on behalf of the City by the persons described in Section 4.01 hereof. In case any officer whose signature shall appear on the Bonds shall cease to be such officer before the delivery thereof, such signature shall, nevertheless, be valid and sufficient for all purposes.
- 5.03. <u>Delivery and Use of Proceeds</u>. Prior to delivery of the Bonds, the documents referred to in Section 3.02 hereof shall be completed and executed in form and substance as approved by the City. The City shall thereupon deliver to the holder the Bonds together with a certified copy of this Resolution and such closing certificates as are required by bond counsel.

Section 6. <u>Limitations of the City's Obligations</u>.

6.01. Notwithstanding anything contained in the Bond Documents, the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project, and no Holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon or to enforce payment thereof against any property of the City other than its interest in the Project. The agreement of the City to perform the covenants and other provisions contained in this Resolution or the Bond Documents shall be subject at all times to the availability of revenues furnished by the Borrower sufficient to pay all costs of such performance or the enforcement thereof, and neither the City nor any of its officers, employees or agents shall be subject to any personal or pecuniary liability thereon.

Section 7. City Representative.

7.01. The Finance Officer or Assistant Finance Officer of the City is hereby designated and authorized to act on behalf of the City for purposes of the Bond Documents.

Section 8. Governmental Program.

8.01. The Bonds are hereby designated as "Program Bonds" and are determined to be within the "Housing Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1988, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted.

Absent – Colvin Roy, Goodman.

Comm Dev - Your Committee, having under consideration 2012 Emergency Solutions Grant (ESG) funding recommendations, now recommends approval of up to \$475,722 of Fiscal Year 2012 ESG funds for the following projects:

- a) Up to \$193,700 for Harbor Light Center, 1xxx Currie Ave N, by Salvation Army or an affiliated entity;
- b) Up to \$80,890 for Families Moving Forward Day Center, 18xx Emerson Ave N, by Portico Interfaith Housing Collaborative or an affiliated entity;
- c) Up to \$120,000 for St. Anne's Place, 26xx Russell Ave N, by Ascension Place or an affiliated entity; and
- d) Up to \$81,132 for Passage Community, 1x E 24th St, by Simpson Housing Services or an affiliated entity.

Adopted.

Absent – Colvin Roy, Goodman.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration acceptance of Minnesota Housing Finance Agency (MHFA) Community Revitalization Funds (CRV), now recommends approval of the following recommendations:

- a) Acceptance of a MHFA Single Family Fall 2012 Community Revitalization Funds award totaling \$150,000, and that the proper City officers be authorized to execute grant, sub-recipient and/or disbursement and related agreements for these funds;
- b) Approval of the contract with Greater Metropolitan Housing Corporation to allow them to administer the Rehab Support Program on behalf of the City;
- c) Approval of the Rehab Support Program as outlined in the Department of Community Planning & Economic Development (CPED) staff report; and
- d) Passage of the accompanying resolution increasing the CPED appropriation to reflect the receipt of said grant funds.

Adopted.

Absent - Colvin Roy, Goodman.

RESOLUTION 2013R-002 By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900230) by \$150,000 and increasing the revenue budget (01600-8900900-321513) by \$150,000.

Adopted.

Absent – Colvin Roy, Goodman.

Comm Dev & W&M/Budget - Your Committee, having under consideration acceptance of Minnesota Housing Finance Agency (MHFA) Community Revitalization Funds (CRV), now recommends approval of the following recommendations:

- a) Acceptance of a CRV funding award from MHFA in the amount of \$100,000;
- b) Guidelines for the Minneapolis Advantage Program CRV 2013;

- c) That the proper City officers be authorized to enter into a new contract with Greater Metropolitan Housing Corporation to administer the program on behalf of the City; and
- d) Passage of the accompanying resolution increasing the CPED appropriation to reflect the receipt of said grant funds.

Adopted.

Absent – Colvin Roy, Goodman.

RESOLUTION 2013R-003By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900220) by \$100,000 and increasing the revenue budget (01600-8900900-321513) by \$100,000.

Adopted.

Absent – Colvin Roy, Goodman.

Comm Dev & W&M/Budget — Your Committee, having under consideration receipt of Metropolitan Council Livable Communities Local Housing Incentive Account (LHIA) grant awards, now recommends that the proper City officers be authorized to accept and appropriate awards of \$300,000 for the Greenway Heights Townhomes, \$150,000 for the Snelling Apartments, and \$300,000 for the West Broadway Curve projects, and to execute such agreements as may be necessary to implement the LHIA grants with the Metropolitan Council, PRG, Inc, Seward Redesign and CommonBond Communities and or/their related entities.

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriation to reflect the receipt of said grant funds.

Adopted.

Absent – Colvin Roy, Goodman.

RESOLUTION 2013R-004By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900220) by \$750,000 and increasing the revenue budget (01600-8900900-321513) by \$750,000.

Adopted.

Absent – Colvin Roy, Goodman.

Comm Dev & W&M/Budget - Your Committee, having under consideration receipt of Minnesota Housing Finance Agency (MHFA) Community Revitalization Funds (CRV) for Green Homes North 2013, now recommends approval of acceptance of the funding award in the amount of \$250,000, and that the proper City officers be authorized to execute such

agreements as may be necessary to implement the CRV grant for the Green Homes North project.

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning & Economic Development appropriation to reflect the receipt of said grant funds.

Adopted.

Absent - Colvin Roy, Goodman.

RESOLUTION 2013R-005 By Goodman and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Agency in the Grants Other Fund (01600-8900220) by \$250,000 and increasing the revenue budget (01600-8900900-321513) by \$250,000.

Adopted.

Absent – Colvin Roy, Goodman.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:

PSC&H - Your Committee recommends confirmation of Mayoral appointments / reappointments and approval of City Council appointments / reappointments to the Minneapolis Commission on Civil Rights, for three-year terms of office, 1/1/2013-12/31/2015, unless otherwise indicated:

Council Appointments: Carina Aleckson (replacing Brittany Lewis), Maria Khan (reappointment), Lonnie Nichols (reappointment) and John Oberreuter (reappointment)

Mayoral Appointments: Michael Harralson, Judge (replacing Roxanne Payton), Arlene Santiago, Judge, (replacing Surya Rochelle), Kristin White, Attorney, (replacing Michael McHugh) and Gerald Strauss, replacing the unexpired term of Michelle Monteiro, which expires 12/31/2014

Adopted.

Absent – Colvin Roy, Goodman.

PSC&H - Your Committee recommends confirmation of the following Mayoral appointments/reappointments to the Youth Violence Prevention Executive Committee, for two-year terms of office, 1/1/2013-12/31/2014:

New Appointments/Name and Category:

Titilayo Bediako, Community (replacing Bill Ziegler)

Henry Crosby, Community (replacing Mary Johnson)

Jose Gonzalez, Healthcare (replacing Marine Munoz Lyon)

Janee Harteau, Law Enforcement (replacing Craig Vana)

Linda Higgins, Elected Official (replacing Lydia Lee)

Barbara McMorris, Healthcare (replacing Gary Cunningham)

Khalid Mohamed, Youth (replacing Sondra Samuels)

Darrell Young, Faith (replacing Bishop Richard Howell)

Shane Zahn, Business (replacing Ed Anderson)

Reappointments/Name and Category:

Dale Blyth, Academic

Bianca Dawkins, Youth
Eloisa Echavez, Community
Sherenia Gibbs, Minneapolis Park & Recreation
Cam Gordon, Elected Official
Eugene Roehlkepartain, Academic
V. J. Smith, Community
Adopted.
Absent – Colvin Roy, Goodman.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following report:

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting in-kind donations of dog and cat food and supplies.

Adopted.

Absent – Colvin Roy, Goodman.

Resolution 2013R-006, approving donations of dog and cat food and treats, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-006 By Samuels and Hodges

Approving donations of dog and cat food and treats.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the City:

Sue Jefson - Office supplies

Donna Francis - 16 boxes of dog food and treats

Purina Company - 48 bags (33lb) Purina dog and puppy food, and 34 boxes of dog treats Robbin Hedlund - 1 bag Fromm (15 lb) cat food; and

Whereas, all such donations have been contributed to assist the city in providing Animal Care and meeting our goals of Responsible Pet Ownership, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

The donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.

Adopted.

Absent – Colvin Roy, Goodman.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor Licenses.

Adopted.

Absent - Colvin Roy, Goodman.

Resolution 2013R-007, granting applications for liquor licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-007 By Glidden

Granting Liquor Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276235):

Off-Sale Liquor, to expire January 1, 2014

Haskells Inc, dba Haskell's, 81 S 9th St UB Liquors LLC, dba Merwin Liquors, 700 W Broadway Hyatt Corporation, dba Hyatt Regency Minneapolis, 1300 Nicollet Mall

Off-Sale Liquor, to expire April 1, 2013

Micky's Liquor Store Inc, dba Micky's Liquor Store, 1104 Plymouth Ave N (Internal transfer of shares)

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2014

Graves Hospitality Corporation, dba Graves 601 Hotel, 601 1st Ave N Hyatt Corporation, dba Hyatt Regency Minneapolis, 1300 Nicollet Mall

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2013

Empire Entertainment LLC, dba Pourhouse, 10 5th St S (Upgrade from Class B)

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2014

King Hospitality LLC, dba Alley Restaurant & Bar (The), 100 6th St N River Jakes Inc, dba Nye's Polonaise Room, 112 E Hennepin Ave CSM Depot LLC, dba Renaissance by Marriott, 225 3rd Ave S Spring Street Tavern LLC, dba Spring Street Tavern and Club Underground, 355 Monroe St NE

Fleming Clarence G, dba Terminal Bar, 409 E Hennepin Ave Secure Entertainment LLC, dba The Lounge, 411 2nd Ave N Conga Corporation, dba Mango Bar & Grill, 501 E Hennepin Ave Miss Jimmy Inc, dba Red Stag Supperclub, 609 1st Ave NE RWB Minneapolis LLC, dba Hubert's, 600 1st Ave N Lush LLC, dba Lush, 990 Central Ave NE

DG Restaurant LLC, dba Dancing Ganesha Restaurant, 1100 Harmon Pl Hennepin Ave Restaurant LLC, dba Butcher & The Boar, 1121 Hennepin Ave

Katabays Corporation, dba Blue Nile, 2027 E Franklin Ave Profile Music Management LLC, dba Profile Event Center, 2630 University Ave SE

On-Sale Liquor Class C-1 with Sunday Sales, to expire January 1, 2014 8th Street Garage Inc. dba 8th Street Grill & Tavern, 800 Marquette Ave Jaeger Corporation, dba Clubhouse Jaeger, 919 Washington Ave N

On-Sale Liquor Class C-1, to expire January 1, 2014

Fulton LLC, dba Fulton Beer, 414 6th Ave N (Taproom)

On-Sale Liquor Class C-2 with Sunday Sales, to expire January 1, 2014

Historic Theatre Group LLC, dba Pantages Theater, 710 Hennepin Ave (New Corporate Officer)

Historic Theatre Group LLC, dba State Theatre, 805 Hennepin Ave (New Corporate Officer) Historic Theatre Group LLC, dba Orpheum Theatre, 910 Hennepin Ave (New Corporate Officer)

Aster Pictures Corporation, dba Aster Cafe, 125 Main St SE Historic Theatre Group LLC, dba Pantages Theatre, 710 Hennepin Ave Historic Theatre Group LLC dba State threatre, 805 Hennepin Ave Historic Theatre Group LLC, dba Orpheum Theatre, 910 Hennepin Ave Merlins Rest LLC, dba Merlins Rest, 3601 E Lake St

On-Sale Liquor Class D with Sunday Sales, to expire January 1, 2014

Amazing Thailand LLC, dba Amazing Thailand, 3024 Hennepin Ave

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2014

Jasmine 26 Inc, dba Jasmine 26 Restaurant & Bar, 8 26th St E #C102 Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 50 6th St S Haute Dish LLC, dba Haute Dish, 119 Washington Ave N Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 200 S 6th St #100 Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 225 E Hennepin Ave Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 229 Cedar Ave S OSF International Inc, dba Old Spaghetti Factory, 223 Park Ave Landrock Corporation, dba American Burger Bar, 800 LaSalle Ave #130 Fossland-Olson Inc., dba The 1029 Bar, 1029 Marshall St NE Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 1040 Nicollet Mall Kinsen Inc, dba Kinsen Noodle Shop and Bar, 1300 Lagoon Ave #150 B & A Restaurant Corporation, dba Ping's Szechuan Bar & Grill, 1401 Nicollet Ave Bulldog Restaurant Inc (The), dba Bulldog Restaurant (The), 2549 Lyndale Ave S Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 2600 Hennepin Ave

Chipotle Mexican Grill of Colorado LLC, dba Chipotle Mexican Grill, 3040 Excelsior Blvd

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2013 Halek's Bar Inc, dba Halek's Bar, 2024 Washington Ave N

On-Sale Liquor Class E, to expire January 1, 2014

#104

S Squared LLC, dba Saffron Restaurant & Lounge, 123 3rd St N

Temporary On-Sale Liquor

Central Lutheran Church, dba Central Lutheran Church, 333 12th St S (December 20-21, 2012, 6:30 pm - 10:30 pm, Receptions at performances of Handel's Messiah)

Soo Visual Art Center, dba Soo Visual Art Center, 2640 Lyndale Ave S (January 26, 2013, 7:00 pm to 11:30 pm, Soo Visual Art Center, 2638 Lyndale Ave)

Liquor Catering Services, to expire August 1, 2013

Lancer Food Service Inc, dba Lancer Catering, 2540 Park Ave.

Adopted.

Absent - Colvin Roy, Goodman.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted.

Absent - Colvin Roy, Goodman.

Resolution 2013R-008, granting applications for business licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-008 By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the office of the City Clerk under date of January 11, 2013 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 276235):

Amusement Devices; Place of Amusement Class A; Christmas Tree; Dry Cleaner - Non-Flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Institutional Food Service; Food Restaurant; Short-Term Food Permit; Gas Fitter Class A; Heating, Air Conditioning & Ventilating Class B; Hospital; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Solicitor - Individual; Steam & Hot Water Systems Installer; Suntanning Facility; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; and Wrecker of Buildings Class B.

Adopted.

Absent - Colvin Roy, Goodman.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted.

Absent - Colvin Roy, Goodman.

Resolution 2013R-009, granting applications for gambling licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-009 By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276235):

Gambling Exempt

The Junior League of Minneapolis, Inc, dba The Junior League of Minneapolis, 410 Oak Grove St (Raffle January 19, 2013, Aria at the Jeune Lune)

Angel Foundation, dba Angel Foundation, 700 S 3rd St, Ste 106W (Raffle January 26, 2013, Hilton Hotel)

Kenwood Community School, dba Kenwood Community School, 2013 Penn Ave S (Raffle February 9, 2013)

The Church of the Holy Cross, dba The Church of the Holy Cross, 1621 University Ave NE (Pull-Tabs February 12, 2013)

Children's Theatre Company, dba Children's Theatre Company, 2400 3rd Ave S (Raffle March 2, 2013)

Pacer Center Inc, dba Pacer Center, 8161 Normandale Blvd (Raffles May 11, 2013, Minneapolis Convention Center)

Down Syndrome Association of Minnesota, dba Down Syndrome Association of Minnesota, 656 Transfer Rd, St Paul (Raffle June 9, 2013, by Columbia Park on the curb).

Adopted.

Absent - Colvin Roy, Goodman.

RE&E - Your Committee recommends passage of the accompanying resolution approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by 400 Sound Bar, 400 3rd Ave N.

Adopted.

Absent - Colvin Roy, Goodman.

Resolution 2013R-010, approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by 400 Sound Bar, 400 3rd Ave N, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

RESOLUTION 2013R-010 By Glidden

Approving Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by 400 Sound Bar, 400 3rd Ave N.

Resolved by The City Council of The City of Minneapolis:

That it approves the following Business License Operating Conditions relating to the On-Sale Liquor Class A with Sunday Sales License held by 400 Sound Bar, 400 3rd Ave N:

- 1. The licensee shall email their event schedule and advertisements to the Minneapolis Police 1st Precinct and Business Licensing every two weeks for the purpose of assessing the Sound Bar's security and staffing needs based on the potential event draw of patron numbers in excess of regular business operations.
- 2. The licensee shall take all necessary and prudent steps to avoid violent incidents from occurring at their establishment during events by assessing the reasonably foreseeable risks associated with the nature of the event(s), the history of the performer(s), and the anticipated number of attendees.
 - 3. No glass bottles will be served to patrons.
 - 4. No one under the age of 21 will be allowed to enter the premises.
- 5. The licensee must utilize an ID scanner to verify the age of all persons seeking to gain entrance to the establishment.
- 6. The licensee will be responsible for the confiscation of falsified identification cards and the timely remittance of these cards to the 1st Precinct.
- 7. To assist in the prevention of recurring disturbances by known persons, the licensee shall compile, maintain, and share with the 1st Precinct a "Do not admit" list of persons who have been trespassed and/or refused service per Minnesota Administrative Rule 7515.0590 (3).
- 8. The licensee shall utilize the valet procedure as detailed in the business plan and security plan.
- 9. The licensee shall utilize a metal detector to wand persons seeking to gain entrance to the establishment as needed or as determined by Minneapolis Police.
- 10. Dedicated security staff will monitor the activity in the establishment and if any criminal activity is observed security must escort the customer from the premises and request Minneapolis Police assistance at the exit of the business.
- 11. Dedicated security staff shall not allow customers or passersby to loiter for any purpose near the establishment during business hours.
- 12. The licensee shall utilize the closing procedure as detailed in the business plan and security plan.
- 13. Dedicated security staff shall assist in crowd dispersal for at least one-half hour after closing of the establishment to prevent loitering.
- 14. The licensee will keep traffic control cones on site for use by Minneapolis Police to close off 3rd Ave as needed.
- 15. The licensee will not distribute hand-bills advertising promotions to anyone walking on City sidewalks, streets, or alleys, nor place any hand-bills on parked motor vehicles.

- 16. The licensee will participate in the 1st Police Precinct off-duty Bar Beat program.
- 17. The licensee shall develop and utilize a promoter contract for any event in which a promoter is used, and provide a copy of the contract to the Licensing office.

 The contract will contain language stating that no promoter shall post any materials (snipe advertising) in violation of Minneapolis Ordinances.
 - 18. The licensee shall send a representative to monthly LINC meetings.
- 19. The licensee shall contact the 1st Precinct SAFE team to request an outside security lighting assessment and implement their suggestions to the establishment prior to December 31, 2012.
- 20. The licensee shall operate and maintain surveillance cameras in accordance with Minneapolis City Ordinance 259.230 for all areas accessible to the public. Adopted.

Absent - Colvin Roy, Goodman.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Mobile Food Vehicle Vendor License held by Barrio Holdings LLC, 925 Nicollet Ave.

Adopted.

Absent - Colvin Roy, Goodman.

Resolution 2013R-011, approving License Settlement Conference recommendations relating to the Mobile Food Vehicle Vendor License held by Barrio Holdings LLC, 925 Nicollet Ave, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-011 By Glidden

Approving License Settlement Conference recommendations relating to the Mobile Food Vehicle Vendor License held by Barrio Holdings LLC, 925 Nicollet Ave.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on November 29, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded the Barrio mobile food vehicle was found to be in violation of the Minneapolis Code of Ordinances as follows:

- a) On four separate occasions, the vehicle was found to be in violation of the Code requirement relating to mobile food vehicles to operate in approved locations in the city.
- b) The vehicle was found to be in violation of the Code requirement relating to a licensee operating a business in compliance with all applicable laws and ordinances.

- c) The vehicle was found to be in violation of the Code requirement that prohibits causing people to assemble on any sidewalk so as to obstruct the free passage of pedestrians thereon or interfere with the use thereof.
 - d) Barrio Holdings, LLC has paid the associated administrative citations.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the office of the City Clerk and made a part of this report by reference:

- 1. Barrio Holdings, LLC agrees to submit a written business plan for operating its mobile food vehicle at the time of signing this agreement.
- 2. Barrio Holdings, LLC agrees to a 30-day suspension from operating its mobile food vehicle on Marquette Avenue if found in violation in 2013.

Adopted.

Absent - Colvin Roy, Goodman.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Crosstown Qwik N Serve BP, 6004 Penn Ave S.

Adopted.

Absent - Colvin Roy, Goodman.

Resolution 2013R-012, approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Crosstown Qwik N Serve BP, 6004 Penn Ave S, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-012 By Glidden

Approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Crosstown Qwik N Serve BP, 6004 Penn Ave S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on December 17, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee has violated the Minneapolis Code of Ordinances as follows:

- a) On two separate occasions, employees of Crosstown Qwik N Serve BP sold alcohol to persons under the age of 21, in violation of the Code requirement and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months.
 - b) The licensee has paid the associated administrative citations.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the office of the City Clerk and made a part of this report by reference:

- 1. The City of Minneapolis will impose a sanction in the amount of \$1,500.00 for failing two alcohol compliance checks for sales to minors; \$1,000.00 of the sanction will be stayed for a period of 12 months pending no further instances of a violation for the sale of alcohol to a person under the age of 21. The remaining \$500 sanction must either be paid or the business may choose to suspend sales of alcohol for 3 days. In lieu of \$500, the business agreed to suspend the sale of alcohol for 3 days. Crosstown Qwik N Serve BP agrees to suspend sales of alcohol on December 24th, 25th, and 26th, 2012.
- 2. The licensee agrees to implement and maintain a comprehensive alcohol sales policy. This policy is to include the following:
 - a) Signs limiting the sale of alcohol to persons above the age of 21 shall be posted at the entrance door and the cash register.
 - b) All employees will take alcohol server training within 30 days of the start of their employment.
 - c) The business agrees that they will establish a program to complete in-house compliance checks for the sale of alcohol to minors.
 - d) The business will purchase and use a calendar that shows day by day the date when an individual reaches the age of 21.

Adopted.

Absent - Colvin Roy, Goodman.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by North Loop Wine and Spirits, 218 Washington Ave N.

Adopted.

Absent - Colvin Roy, Goodman.

Resolution 2013R-013, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by North Loop Wine and Spirits, 218 Washington Ave N, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-013 By Glidden

Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by North Loop Wine and Spirits, 218 Washington Ave N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on November 28, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee has violated the Minneapolis Code of Ordinances as follows:

- a) On three separate occasions, employees of North Loop Wine & Spirits sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance and Minnesota Statute and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months.
- b) The licensee has paid the associated administrative fines related to the compliance check failures.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the office of the City Clerk and made a part of this report by reference:

- 1. The City of Minneapolis will impose a sanction, in the amount of \$3,000, for failing three minor sales of alcohol compliance checks. The sanction of \$3,000 must be paid within two (2) business days of the date the City Council approves of this agreement.
- 2. North Loop Wine & Spirits off sale license be suspended for a period of three consecutive days with at least one day being either a Friday or a Saturday. The suspension days to be selected by North Loop Wine & Spirits must be served within 30 days this agreement is approved by the City Council. The dates chosen are January 2nd, 3rd and 4th, 2013.
- 3. North Loop Wine & Spirits shall maintain the following policies concerning prevention of the sale of beverage alcohol to persons under the age of 21:
 - a. A calendar is to be kept at all point of sale locations that lists the date the customer reaches the age of 21.
 - b. North Loop Wine & Spirits will immediately arrange alcohol server training from an approved alcohol server trainer for all employees within 30 days from the signing of this agreement.
 - c. North Loop Wine & Spirits will establish a self-check program for age compliance using a secret shopper. A log will be kept outlining the conduct of each self-check and the outcome for review by Minneapolis Police and Business Licenses. Four (4) tests will be required within one year of the signing of this agreement.
 - d. Within 30 days after alcohol server training has been completed, North Loop Wine & Spirits will arrange with Minneapolis Police Licenses/City Staff to conduct a presentation to staff on prevention of sales to persons under the age of 21.
 - e. North Loop Wine & Spirits will review their policies concerning prevention of sales of alcohol to persons under the age of 21 at every staff meeting.
- 4. North Loop Wine & Spirits will present a new written alcohol serving policy to the Licenses and Consumer Services Division which is due on the date this agreement is signed including any progress that has been made in taking steps to obtain an ID scanner at the register.

Adopted.

Absent - Colvin Roy, Goodman.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Easy Way Food, 2820 Johnson St NE.

Adopted.

Absent - Goodman, Colvin Roy.

Resolution 2013R-014, approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Easy Way Food, 2820 Johnson St NE, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-014 By Glidden

Approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Easy Way Food, 2820 Johnson St NE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on December 13, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee has violated the Minneapolis Code of Ordinances as follows:

- a) On two separate occasions, employees of Easy Way Food sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance and Minnesota Statute and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months.
- b) The licensee has paid the associated administrative fines related to the compliance check failures.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the office of the City Clerk and made a part of this report by reference:

- 1. The City of Minneapolis will impose a sanction, in the amount of \$1,500, for failing two minor sales of alcohol compliance checks. \$1,000 of the sanction will be stayed for a one-year period pending no same or similar violations within one year from the signing of this agreement. The remaining sanction of \$500 must be paid by January 31, 2013. The outstanding administrative fine of \$1,000 for the second compliance check failure must be paid by January 31, 2013.
- 2. Easy Way Foods shall maintain the following policies concerning prevention of the sale of 3.2% alcohol to persons under the age of 21:
 - a. A calendar, at point of sale locations, that lists the date the customer reaches the age of 21.
 - b. Currently the only employees are the owner and wife of the owner. In the event Easy Way Foods hires any additional employees, they will establish a self-check program for age compliance using a secret shopper. A log will be kept outlining the conduct of each self-check and the outcome for review by Minneapolis Police and Business Licenses. Four (4) tests will be required within one year of the signing of this agreement.

Adopted.

Absent - Colvin Roy, Goodman.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Van White Memorial Boulevard Overpass Project, now recommends that the proper City officers be authorized to execute an amended agreement with Burlington Northern Santa Fe Railroad Company (BNSF) extending construction access to BNSF property from February 7, 2013 to November 7, 2013 and increasing the contract by \$30,000. No additional appropriation required.

Adopted.

Absent - Goodman, Colvin Roy.

T&PW - Your Committee recommends that the proper City officers be authorized to execute an amendment to Contract C-35563 (OP 7590) with Cemstone Products Company, increasing the contract by \$150,000, for a revised contract total of \$1,220,715, to cover the cost of additional Ready Mix concrete material and equipment required to complete 2012 construction projects and maintenance activities. No additional appropriation required.

Adopted.

Absent - Colvin Roy, Goodman.

T&PW - Your Committee, having under consideration the Bike Walk Ambassador Program, now recommends that the proper City officers be authorized to amend Contract C-25183 (Mn/DOT Agreement 92071) extending the contract from February 5, 2013 to December 31, 2013, to allow remaining grant funds to be utilized in 2013 then closing out the project.

Adopted.

Absent - Colvin Roy, Goodman.

T&PW - Your Committee recommends that the proper City officers be authorized to negotiate and execute an agreement with the University of Minnesota, in an amount not to exceed \$50,000, for research services related to the installation of bicycle and pedestrian safety treatments.

Adopted.

Absent - Colvin Roy, Goodman.

T&PW - Your Committee recommends passage of the accompanying resolution directing the Hennepin County Auditor to cancel the levied 5-year sidewalk repair assessment for the property located at 5620 37th Ave S for taxes payable in 2013 and subsequent years.

Adopted.

Absent - Colvin Roy, Goodman.

Resolution 2013R-015, directing the Hennepin County Auditor to cancel the special assessment for sidewalk repair improvements for the property located at 5620 37th Ave S, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-015 By Colvin Roy

CANCELLATION OF MINNEAPOLIS PUBLIC WORKS SIDEWALK REPAIR SPECIAL ASSESSMENT

Directing the Hennepin County Auditor to cancel the special assessment for sidewalk repair improvements for the payable 2013 and subsequent years' tax files described hereinafter.

Whereas, in accordance with Chapter 10 of the Minneapolis City Charter, the City Council of the City of Minneapolis passed resolutions in 2009 adopting the assessment rolls as prepared by the City Engineer and ordered the transmittal of certified copies of the assessment rolls to the Hennepin County Auditor for collection to begin on the 2010 real estate tax statements; and

Whereas, there is the following described assessment that is erroneously being carried on the real estate tax statement due to a full prepayment of the assessment.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That pursuant to the provisions of Chapter 10, Section 15 of the Minneapolis City Charter, the Hennepin County Auditor is hereby directed to cancel the following levied 5-year term special assessments from the 2013 and subsequent years' tax statements:

<u>LEVY</u> <u>PROJECT</u> <u>PROPERTY ID</u> <u>ORIGINAL AMT</u> 10505 19-028-23-24-0167 \$904.19

Adopted.

Absent - Colvin Roy, Goodman.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted.

Absent – Colvin Roy, Goodman.

Resolution 2013R-016, authorizing the settlement of *Antoinette Peterson v. City of Minneapolis*, and *Wayne Darren Newton v. Officer Richard Walker*, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-016 By Hodges

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of:

- a) Antoinette Peterson v. City of Minneapolis, by payment of \$27,500 to Antoinette Peterson and her attorney, from the Internal Service Self Insurance Fund (06900-1500100-145865); and
- b) Wayne Darren Newton v. Officer Richard Walker, by payment of \$10,000 to Wayne Darren Newton and his attorney, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the above settlements.

Adopted.

Absent – Colvin Roy, Goodman.

W&M/Budget - Your Committee recommends adopting the City Attorney's recommendation for placing attorneys and law firms on the City's Legal Services Panel. Further, that the City Attorney be authorized to negotiate and enter into "Master Agreements" for the period January 1, 2013, through December 31, 2015, with the cost for each agreement not to exceed \$300,000 for the three-year period, and that the City Council waive the request for proposals process for conflicts covered by the collective bargaining agreement with the Minneapolis Police Officers Federation.

Adopted.

Absent - Colvin Roy, Goodman.

W&M/Budget - Your Committee recommends the proper City officers be authorized to negotiate and execute a new three-year agreement with Hennepin County's Leasing and Land Management Division for professional lease management services.

Adopted.

Absent – Colvin Roy, Goodman.

W&M/Budget - Your Committee, having under consideration the Ebert, Inc., contract for the construction of the Emergency Operations Training Facility, now recommends the proper City officers be authorized to execute Amendment No. 1 to contract C-35791 to make minor changes required to resolve unforeseen conditions related to correcting existing conditions and to increase the current contract amount by \$19,504.95.

Adopted.

Absent - Colvin Roy, Goodman.

The ZONING & PLANNING Committee submitted the following reports:

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Richard Henke (BZZ-5580) to rezone the property at 809 West 50th St from R1 to the C1 District, retaining the AP Airport Overlay District, to legalize and expand the existing nonconforming use of the property as the Malt Shop, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted.

Absent - Colvin Roy, Goodman.

Ordinance 2013-Or-001 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 809 W 50th St to the C1 District, retaining the AP Airport Overlay District, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-001

By Schiff
1st & 2nd Readings: 1/11/2013

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of the west 42 feet of Lot 1 and the west 42 feet of the northerly 17 53/100 feet of Lot 2, Lots 1 and 2, Block 2, Wheeler's Addition to Minneapolis, Hennepin County, Minnesota, (809 West 50th St - Plate 36) to the C1 District, retaining the Airport (AP) Overlay District.

Adopted.

Absent – Colvin Roy, Goodman.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Alioune Thiam (BZZ-5849) to rezone the property at 3605 4th Ave S from R1A and R2B to the R3 District to eliminate split zoning and accommodate the current non-conforming use, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted.

Absent – Colvin Roy, Goodman.

Ordinance 2013-Or-002 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 3605 4th Ave S to the R3 District, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-002
By Schiff
1st & 2nd Readings: 1/11/2013

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 13 and 14, Block 2, VINTON PARK ADDITION TO MINNEAPOLIS, Hennepin County, MN, (3605 4th Ave S - Plate 25) to the R3 District.

Adopted.

Absent – Colvin Roy, Goodman.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Ivy Properties relating to the project known as the 155(BZZ-5829) to rezone the property at 312 Central Ave from C2 to the C3A District, retaining the PO Pedestrian Oriented and UA University Area Overlay Districts, to permit a mixed use building with 81 dwelling units, and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted.

Absent – Colvin Roy, Goodman.

Ordinance 2013-Or-003 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally,* rezoning the property at 312 Central Ave to the C3A District, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-003

By Schiff
1st & 2nd Readings: 1/11/2013

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 6 and 7, except the Northeasterly 78.5 feet thereof; and lots 8 and 9, Saint Anthony Falls, according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota; and, the Northeasterly 78.5 feet of Lots 6 and 7, Block 19, Saint Anthony Falls; and, Lot 10, Block 19, Saint Anthony Falls, according to the plat thereof on file and of record in the office of the Register of Deeds, in and for Hennepin County, Minnesota, (312 Central Ave - Plate 14) to the C3A District, retaining the PO Pedestrian Oriented and UA University Area Overlay Districts.

Adopted.

Absent – Colvin Roy, Goodman.

Z&P – Your Committee concurs in the recommendation of the Planning Commission to deny the petition of CPM Development (BZZ-5848) to rezone the property at 315 27th Ave SE from IA to the C4 District to permit a blood/plasma collection facility and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted.

Absent – Colvin Roy, Goodman.

Z&P – Your Committee recommends approval of the following Council appointments to the Minneapolis Arts Commission for terms to run January 11, 2013, through December 31, 2014:

Jennifer Aarve (Ward 1);
Becky Franklin (Ward 13);
Calvin Keasling (Ward 11);
Melinda Ludwiczak (Ward 11);
Sara Weiner (Ward 2);
Joanna Kosalko (Ward 2); and
Noel Raymond (Ward 8).

Adopted.

Absent – Colvin Roy, Goodman.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of February, 2013, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted.

Absent – Colvin Roy, Goodman.

RESOLUTIONS

Resolution 2013R-017, designating February 3, 2013 as NATIONAL WEAR RED DAY in the City of Minneapolis, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-017

By Glidden, Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges

Designating February 3, 2013 as NATIONAL WEAR RED DAY in the City of Minneapolis.

Whereas, currently there are approximately eight million women in the United States living with heart disease, and ninety percent of women have one or more risk factors for developing heart disease, yet only sixteen percent of women in a 2009 survey identified cardiovascular disease as the greatest health problem facing them - emphasizing the need for greater awareness and public health education; and

Whereas, cardiovascular disease claims the lives of more than 419,000 American women each year, which equates to almost one such death per minute, reflecting the fact that the total number of female deaths caused by heart or cardiovascular disease and stroke are greater than the next three leading causes of death combined, including all cancers; and

Whereas, in women, heart disease is too often a silent killer – less than a third of women in a recent survey reported any early warning signs such as chest pain or discomfort before a heart attack, and the symptoms that are experienced by women are different than the more well-known symptoms that typically affect men who suffer heart disease. In women, the more common symptoms include pain in the jaw, arm, or back; and

Whereas, only forty three percent of African American women and forty percent of Hispanic women know heart disease is their greatest health risk, compared with sixty percent of white women who are aware of the risks of heart and cardiovascular disease as it affects women; and

Whereas, GO RED FOR WOMEN® is the American Heart Association's national call to increase awareness about heart disease - the leading cause of death for women - and seeks to inspire women to take charge of their heart health so that they are empowered to address their personal risk for heart or cardiovascular disease, including the use of tools such as the American Heart Association's *My Life Check*, GO RED FOR WOMEN® Heart Check-Up, and GO RED FOR WOMEN® Better U, and by talking to their healthcare providers; and

Whereas, the truth is: our lives are in our hands. We can stop our number one killer together by sharing the truth; by making the right choices related to proper nutrition, physical activity, and healthy lifestyle choices, which are essential to living a heart-healthy life;

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the Mayor and City Council hereby designate Sunday, February 3, 2013, to be National Wear Red Day in the City of Minneapolis.

Be It Further Resolved that all residents are urged to show support for women and the fight against heart disease by commemorating this day by wearing the color red. By increasing awareness, speaking up about heart disease, and empowering women to reduce their personal risks for cardiovascular disease we can save thousands of lives each year.

Adopted.

Absent - Colvin Roy, Goodman.

UNFINISHED BUSINESS

Pursuant to notice on December 14, 2012, Glidden moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, for first reading and referral to the Zoning & Planning Committee (amending provisions to allow additional sale and display of goods outside of business establishments):

- a) Chapter 520 relating to Introductory Provisions;
- b) Chapter 535 relating to Regulations of General Applicability;
- c) Chapter 536 relating to Specific Development Standards;
- d) Chapter 547 relating to Office Residence Districts:
- e) Chapter 548 relating to Commercial Districts:
- f) Chapter 549 relating to Downtown Districts; and
- g) Chapter 550 relating to Industrial Districts. Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

Pursuant to notice on December 14, 2012, Glidden moved to introduce the subject matter of an ordinance amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to *Food Code: Administration and Licensing*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending provisions to allow additional sale and display of goods outside of business establishments). Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

Pursuant to notice on December 14, 2012, Glidden moved to introduce the subject matter of an ordinance amending Title 17, Chapter 427 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: In General*, for first reading and referral to the Regulatory, Energy & Environment Committee (amending provisions to allow additional sale and display of goods outside of business establishments). Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

NEW BUSINESS

Lilligren moved to request unanimous consent to introduce the following ordinances relating to the reorganization of the Department of Regulatory Services, for first reading:

- a) Title 16, Chapter 415 of the Minneapolis Code of Ordinances relating to *Planning and Development: Department of Community Planning and Economic Development.*
- b) Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Department of Health and Family Support.* Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

Lilligren further moved that the following ordinances be given their second reading for amendment and passage:

- a) Title 16, Chapter 415 of the Minneapolis Code of Ordinances relating to *Planning and Development: Department of Community Planning and Economic Development.*
- b) Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Department of Health and Family Support.* Seconded.

Adopted.

Absent – Colvin Roy, Goodman.

Approved by Mayor Rybak 1/11/2013.

(Published 1/15/2013; Republished 4/6/2013)

Ordinance 2013-Or-004 amending Title 16, Chapter 415 of the Minneapolis Code of Ordinances relating to *Planning and Development: Department of Community Planning and Economic Development,* amending Section 415.20, 415.40 and 415.50 relating to the reorganization of the Department of Regulatory Services, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

(Republished 4/6/2013)

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-004
By Lilligren
1st & 2nd Readings: 1/11/2013

Amending Title 16, Chapter 415 of the Minneapolis Code of Ordinances relating to Planning and Development: Department of Community Planning and Economic Development.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That effective retroactively to January 1, 2013 Section 415.20 of the above-entitled ordinance be amended to read as follows:

- **415.20. Departmental functions.** (a) The department shall have responsibility for the city's planning, development, <u>development review</u>, <u>construction code services including operational and statutory duties of the building official</u>, <u>business licensing</u>, and employment and training functions, including but not limited to the following:
 - (1) Serve as the city's planning department, as described in Chapter 13 of the City Charter.
 - (2) Provide technical assistance and coordinate planning efforts, including the city's comprehensive plan and specific neighborhood-level plans.
 - (3) Recommend amendments to the city's comprehensive plan and zoning ordinances.
 - (4) Administer the city's zoning, subdivision, and heritage preservation regulations by providing technical review, including implementation of applicable federal, state and city environmental policies and regulations, of applications for development approvals and permits, in coordination with other city regulatory and development functions.
 - (5) Facilitate the city's public engagement and citizen participation functions, including mMaintaining relationships with neighborhood organizations, business associations, and other public, private and non-profit community groups.
 - (6) Develop partnerships with external organizations on strategies to meet established goals and to leverage funds.
 - (7) Inform the public, developers, neighborhoods, and other entities on the city's plans and development priorities.
 - (8) Coordinate with other city agencies (e.g., parks, school and library boards) and regional/state entities (e.g., MNDOT, Hennepin County, Metropolitan Council) to achieve integrated planning and development.
 - (9) Support decision making by providing research and analysis to inform policy, plan, program and project decisions.
 - (10) Support the city's housing and economic development goals by working with the private and non-profit development community to promote and, where necessary, assist the production of housing and economic development throughout the city.
 - (11) Provide real estate services, including acquisition, disposition, leasing and management of properties related to departmental operations.
 - (12) Propose and facilitate eminent domain actions.
 - (13) Conduct demolition and relocation activities as necessary.
 - (14) Work with policy makers, funding providers, and community programs to promote effective job training and employment opportunities.
 - (15) Administer funding and provide employment and training programs and services to youth, adult, senior and dislocated workers.

- (16) Coordinate workforce training and other programs with other public and private workforce organizations.
- (17) Administer the city's development review, construction code services and business licensing functions.
- (b) The functions previously assigned to the planning department, employment and training program of the health department, and the empowerment zone office are hereby transferred to the department of community planning and economic development, upon the effective date of this chapter. This transfer of the functions of said departments and programs does not limit the authority of the city council to change, add or eliminate functions of any city department.
- (c) The duties and functions previously assigned to development review, construction code services including the operational and statutory duties of the building official, and business licensing in the department of regulatory services are hereby transferred to the department of community planning and economic development. This transfer of certain functions of the department of regulatory services does not limit the authority of the city council to change, add or eliminate functions of any city department.
- Section 2. That effective retroactively to January 1, 2013, Section 415.40 of the above-entitled ordinance be amended to read as follows:
- **415.40. Selection of director; powers.** (a) The department shall be supervised, controlled and directed by the director of the department of community planning and economic development who shall be in the unclassified service of the city. The appointment and removal of the director shall be in the manner provided by the City Charter, Chapter 3, Section 4.
- (b) The director shall be responsible for the performance of all administrative duties relating to the functions of the department described herein and shall perform all additional duties as may be properly delegated by action of the city council. The director shall have the power to take all personnel actions, including the appointment of all employees of the department, including those positions in the unclassified service.
 - (c) The city council hereby delegates to the director the following additional powers:
 - (1) To implement projects consistent with project and finance plans approved by the city council.
 - (2) To implement programs consistent with budgets and program guidelines approved by the city council.
 - (3) To establish fair market values, make offers and acquire real properties consistent with projects and programs approved by the city council.
 - (4) To settle condemnation cases within project or program budgets approved by the city council.
 - (5) To restructure or write off delinquent loans consistent with policies approved by the city council.
 - (6) To approve citizen participation and nonprofit administrative contracts consistent with budgets approved by the city council.

- (7 <u>5</u>) To establish professional services panels for appraisers, architects and engineers, financial and market analysts, surveyors, environmental consultants and similar professional services consistent with policies approved by the city council.
- (8 6) To exercise any authority granted by statute, charter or ordinance to the planning director or zoning administrator, or to delegate said authority to his or her designees.
 - (7) To exercise any authority granted by statute, charter or ordinance to the director of inspections, the director of licenses and consumer services or the director of regulatory services under Title 2, Administration, Chapter 28; Title 5, Building Code; Title 8, Consumer Protection; and Title 14, Liquor and Beer of this code of ordinances, or to delegate this authority to his or her designees.

Section 3. That section 415.50 of the above-entitled ordinance be amended to read as follows:

415.50. Establishment of other unclassified management positions. The city council hereby establishes the following positions in the unclassified service of the city which shall report to the director or deputy director of the department: a deputy director; an operations director and four (4) division directors. The director may modify the management structure of the department, including modification of the duties, position descriptions or titles of the planning director, zoning administrator and building official, in order to more effectively carry out the duties assigned to the department by this title and the city council.

Adopted.

Absent - Colvin Roy, Goodman.

Approved by Mayor Rybak 1/11/2013.

Ordinance 2013-Or-005 amending Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Department of Health and Family Support*, amending Sections 214.10 and 214.30 relating to the reorganization of the Department of Regulatory Services, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

(Republished 4/6/2013)

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-005
By Lilligren
1st & 2nd Readings: 1/11/2013

Amending Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Department of Health and Family Support.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the title of Chapter 214 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 214. HEALTH DEPARTMENT OF HEALTH AND FAMILY SUPPORT

Section 2. That Section 214.10 of the above-entitled ordinance be amended to read as follows:

214.10. Department established. The Minneapolis Department of Health <u>and Family Support</u> shall henceforth be named the Minneapolis <u>Health</u> Department of Health and Family <u>Support</u>. The <u>department</u> head <u>of the health department</u> shall be the commissioner of health who is appointed pursuant to Charter Chapter 3, Section 4. This department shall have duties and authority as assigned to it by this title and Chapter 14 of the Charter as well as other duties and responsibilities as assigned to it by the city council.

Section 3. That effective retroactively to January 1, 2013 Section 214.30 of the above-entitled ordinance be amended to read as follows:

214.30. Additional functions. The commissioner of health may exercise any of the functions or authority granted to the department of regulatory services or the director of regulatory services or the director of licenses and consumer services under Title 3, Air Pollution and Environment; Title 10, Food Code; and Title 11, Health and Sanitation of this code of ordinances, or delegate this authority to his or her designees. The city council may assign additional duties and personnel to the department for family support and planning as needed.

Adopted.

Absent – Colvin Roy, Goodman.

Approved by Mayor Rybak 1/11/2013.

Schiff gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code* (providing for general housekeeping amendments to clarify confusing provisions, codify existing interpretations, and correct typographical errors in the zoning ordinance):

- a) Chapter 520 relating to Introductory Provisions;
- b) Chapter 521 relating to Zoning Districts and Maps Generally;
- c) Chapter 525 relating to Administration and Enforcement;
- d) Chapter 527 relating to Planned Unit Development;
- e) Chapter 529 relating to Interim Ordinances;
- f) Chapter 530 relating to Site Plan Review;
- g) Chapter 531 relating to Nonconforming Uses and Structures;
- h) Chapter 535 relating to Regulations of General Applicability;
- i) Chapter 536 relating to Specific Development Standards;
- i) Chapter 537 relating to Accessory Uses and Structures;
- k) Chapter 541 relating to Off-Street Parking and Loading;
- I) Chapter 543 relating to On-Premise Signs;
- m) Chapter 544 relating to Off-Premise Advertising Signs and Billboards;
- n) Chapter 546 relating to Residence Districts;
- o) Chapter 547 relating to Office Residence Districts;
- p) Chapter 548 relating to Commercial Districts;
- q) Chapter 549 relating to Downtown Districts;
- r) Chapter 550 relating to *Industrial Districts*;
- s) Chapter 551 relating to Overlay Districts.

Reich gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code (expanding and amending the Pedestrian Oriented Overlay District along Central Avenue Northeast):

- a) Chapter 521 relating to Zoning Districts and Maps Generally;
- b) Chapter 551 relating to Overlay Districts.

Reich moved to introduce the subject matter of the following ordinances amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks, for first reading and referral to the Transportation & Public Works Committee (clarifying the service charge assessment process for Special Service Districts containing direct or indirect references to Minn. Stat. Ch. 429):

- a) Chapter 438 relating to Uptown Special Service District
- b) Chapter 444 relating to Dinkytown Special Service District
- c) Chapter 446 relating to Central Avenue Special Service District
- d) Chapter 448 relating to Nicollet Avenue South Special Service District
- e) Chapter 450 relating to Stadium Village Special Service District
- f) Chapter 452 relating to 43rd St W & Upton Avenue South (Linden Hills) Special Service District
 - g) Chapter 453 relating to Riverview Special Service District
 - h) Chapter 454 relating to South Hennepin Avenue Special Service District
 - i) Chapter 456 relating to Franklin Avenue East Special Service District
 - j) Chapter 457 relating to 48th St E & Chicago Avenue South Special Service District
 - k) Chapter 458 relating to Hennepin Theatre District Special Service District
 - 1) Chapter 460 relating to Bloomington-Lake Special Service District
 - m) Chapter 461 relating to Chicago-Lake Special Service District
 - n) Chapter 462 relating to East Lake Street Special Service District
 - o) Chapter 463 relating to Lyndale-Lake Special Service District
- p) Chapter 465 relating to Downtown Business Improvement Special Service District. Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

Lilligren moved to adjourn to Room 315 City Hall to consider the Nguyen v. Lokke et al. and Larry Smith as trustee for the heirs of David Smith v. City of Minneapolis, et al. lawsuits. Seconded.

Adopted upon a voice vote.

Absent – Colvin Roy, Goodman.

Room 315 City Hall

Minneapolis, Minnesota

January 11, 2013 – 10:05 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present – Council Members Tuthill, Quincy, Glidden, Hodges, Samuels, Gordon, Reich, Schiff, Lilligren, President Johnson.

Absent - Council Members Colvin Roy, Goodman, Hofstede.

Deputy City Attorney Peter Ginder stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *Nguyen v. Lokke et al.* and *Larry Smith as trustee for the heirs of David Smith v. City of Minneapolis, et al.* lawsuits.

At 10:06 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Goodman, Hofstede.

Present - Council Members Tuthill, Quincy (Out at 11:01 a.m.; In at 11:04 a.m.), Glidden, Hodges (Out at 10:36 a.m.; In at 10:40 a.m.), Samuels, Gordon, Reich, Hofstede (In at 10:09 a.m.), Schiff (Out at 10:31 a.m.), Lilligren, President Johnson.

Absent - Council Members Colvin Roy, Goodman.

Also Present – Mayor R T Rybak (Out at 11:05 a.m.); Jennifer O'Rourke, Mayor's Chief of Staff (In at 10:37 a.m.; Out at 11:05 a.m.); Janee Harteau, Police Chief; Susan Segal, City Attorney; Peter Ginder (Out at 10:30 a.m.; In at 10:32 a.m.), Lynn Fundingsland, Sara Lathrop (Out at 10:30 a.m.), Burt Osborne, Andrea Naef (Out at 10:30 a.m.), and Sarah McLaren, City Attorney's Office; Casey Joe Carl, City Clerk and Jackie Hanson, City Clerk's Office.

Assistant City Attorney Sara Lathrop summarized the *Nguyen v. Lokke et al* lawsuit from 10:06 a.m. to 10:30 a.m.

Assistant City Attorney Lynn Fundingsland summarized the *Larry Smith as trustee for the heirs of David Smith v. City of Minneapolis, et al.* lawsuit from 10:30 a.m. to 11:13 a.m.

At 11:13 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Colvin Roy, Goodman, Schiff.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded. Adopted upon a voice vote.

Absent - Colvin Roy, Goodman, Schiff.

Casey Joe Carl, City Clerk

Official Posting: 1/18/2013 Corrections: 4/5/2013; 4/18/2013